

Rules on Proceedings Committee
(As Amended and Effective on February 1, 2020)

Article 1 Purposes

The Japan Commercial Arbitration Association (the "JCAA") establishes the Proceedings Committee (the "Committee") in order to have advises from outside legal experts on the procedural issues regarding the JCAA arbitration and mediation proceedings.

Article 2 Function of the Committee

The Committee advises the JCAA on the following procedural issues:

- (1) the arbitration proceedings under the UNCITRAL Arbitration Rules and the Administrative Rules for UNCITRAL Arbitration;
- (2) the arbitration proceedings under the Commercial Arbitration Rules;
- (3) the arbitration proceedings under the Interactive Arbitration Rules;
- (4) the mediation proceedings under the Commercial Mediation Rules; and
- (5) other matters relating to the JCAA arbitration or mediation proceedings

Article 3 Consultation by the JCAA

The JCAA may consult with the Committee before it makes decisions on the following procedural issues (the "Issues"):

- (1) the challenge of an arbitrator under Article 12.3 of the UNCITRAL Arbitration Rules;
- (2) the challenge of an arbitrator under Article 13.4 of the UNCITRAL Arbitration Rules;
- (3) the rejection of confirmation on the appointment of an arbitrator under Article 25.6 of the Commercial Arbitration Rules;
- (4) the challenge of an arbitrator under Article 34.5 of the Commercial Arbitration Rules;
- (5) the removal of an arbitrator under Article 35 of the Commercial Arbitration Rules;
- (6) whether to continue the arbitral proceedings where there is a vacancy among the arbitrators after the closing of the arbitral proceedings in Article 37 of the Commercial Arbitration Rules;
- (7) the rejection of confirmation on the appointment of an arbitrator under Article 25.6 of the Interactive Arbitration Rules;
- (8) the challenge of an arbitrator under Article 34.5 of the Interactive Arbitration Rules;
- (9) the removal of an arbitrator under Article 35 of the Interactive Arbitration Rules;

- (10) whether to continue the arbitral proceedings in the case where there is a vacancy among the arbitrators after the closing of the arbitral proceedings under Article 37 of the Interactive Arbitration Rules;
- (11) the rejection of confirmation on the appointment of a mediator under Article 17.6 of the Commercial Mediation Rules;
- (12) the challenge of an arbitrator under Article 18.4 of the Commercial Mediation Rules; and
- (13) the removal of an arbitrator under Article 19.1 and 19.3 of the Commercial Mediation Rules;

Article 4 Organization of Board

- (1) The Committee consists of five or more members.
- (2) The Committee has one chairperson.
- (3) The JCAA appoints the chairperson.
- (4) The chairperson presides over the meeting.
- (5) When the chairperson is unable to perform his or her duties, the JCAA appoints a substitute chairperson.

Article 5 Appointment of Committee Member

The JCAA appoints the Committee member. The Committee member shall have expertise in arbitration and mediation.

Article 6 Term of Office of Members

- (1) The term of office of the member shall be 2 years; provided, however, that the term of office of the alternate member shall be the remaining term of office of his or her predecessor.
- (2) The member may be reappointed.

Article 7 Appointment of Temporary Member

- (1) The JCAA may appoint a temporary member when it finds it necessary after taking into account the Committee members' interests in the Issues or other relevant circumstances.
- (2) The temporary member shall be a member of the Committee on the Issues specified in the appointment. His or her duties are to be terminated when the Committee concludes the deliberation on the Issues.

Article 8 Manner of Deliberation

- (1) The Committee shall deliberate the Issues through the meetings; provided, however, that in case of emergency, the Committee may deliberate in any other reasonable methods which the chairperson considers appropriate.

- (2) Three or more Committee members shall in principle attend the meeting.
- (3) The Committee members shall independently express their views.
- (4) The member who has an interest in the Issues shall not participate in the meeting.
- (5) The meetings may be held in a videoconference or any other methods which the chairperson considers appropriate.
- (6) The JCAA may obtain advises individually from one or more of the Committee members on the issues not provided in Article 3.

Article 9 Confidentiality

The Committee member (including a temporary member) or a person who was formerly a Committee member shall not disclose the facts related to the issues for consultation or learned in the course of deliberation.

Article 10 Other matters

- (1) The Committee member who attends the deliberation shall be remunerated under the internal rules of the JCAA.
- (2) These Rules and the list of the Committee members shall be published on the JCAA website.